

REMARKS

Claims 1-43 stand rejected. Claims 1-43 remain pending in the patent application. Applicants ask that Claim 18 be canceled herein without prejudice. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants believe that the amendments herein to the patent application do not add new matter to it.

35 U.S.C. §103 Rejections

Claims 1-6, 8, 9, 13-21, 23, 24, 28-36, 38, 42 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma, U.S. Patent Number 5,771,355 (hereinafter Kuzma), in view of Hoffert et al., U.S. Patent Number 5,903,892 (hereinafter Hoffert), in further view of Rudy et al., U.S. Patent Number 6,360,252, and as further exemplified by Soles et al., U.S. Pub. No. 2002/0143918 (hereinafter Soles). Claims 7, 22 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Hsu et al., U.S. Patent Number 6,295,058 (hereinafter Hsu), and as further exemplified by Soles. Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Thurlow et al., U.S. Patent Number 6,457,879 (hereinafter Thurlow), and as further exemplified by Soles. Claims 1, 16, and 31 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Visual Preview for Link Traversal on the WWW, Kopetzky, T. et al. (hereinafter Kopetzky), and as further exemplified by Soles.

CLAIM 1

Applicants respectfully contend that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 1. For instance, amended Claim 1 recites (emphasis added):

A system comprising:
a sender client configured to send a location message comprising a recipient address, a handle to a *video file* and *a preview of the video file, wherein the location message is sent without the video file*;
a receiver client; and
a server configured to receive the location message from the sender client and to send the location message to the receiver client that corresponds with the recipient address;
wherein the receiver client is configured to receive the location message from the server and to access the *video file* from the sender client.

In Applicants' previous response filed March 9, 2006, Applicants argued that by teaching an email *attachment*, Rudy *teaches away* from embodiments as recited in Claim 1. Applicants have reviewed Examiner's Response to Arguments in the Final Office Action mailed June 13, 2006. Applicants have amended Claim 1 in order to clarify this point. However, Applicants also wish to clarify, and the new language should make it clear, that the location message may be an e-mail so long as the video file does not accompany it. With respect to Rudy, Applicants respectfully submit that by teaching an email *attachment*, which by definition accompanies the e-mail, Rudy *teaches away* from embodiments as recited in Claim 1. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Rudy with any reference to create the present invention as claimed. Moreover, to the extent that Rudy may teach a *thumbnail* of a *graphical* file, Applicants respectfully submit that it does not teach a preview of a *video* file.

With respect to Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a *web page* to which a *hyperlink in another web page* points, Kopetzky

does not teach or suggest: (1) a preview to a *video* file (2) contained within a location message (3) sent by a sender client and (4) received by a receiver client. Furthermore, because Kopetzky concerns links between *web pages*, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to incorporate any of its teachings in peer to peer delivery of *video* files.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 1, Applicants respectfully submit that Claim 1 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

CLAIM 16

Regarding Claim 16, Examiner continues to assert that Claim 16 is “substantially the same” as Claim 1 [Rejection, page 7, par. 1]. Applicants respectfully object to this generalization, reiterating that Claim 1 recites accessing the media file from the *sender client*, while Claim 16 recites accessing the media file from the *peer receiver client*. As such, Applicants respectfully submit that the same rationale of rejection cannot apply to both Claim 1 and Claim 16. Furthermore, Applicants respectfully contend that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 16. For instance, amended Claim 16 recites (emphasis added):

A system comprising:

a sender client coupled to send a location message comprising a recipient address, a handle to a media file and a preview of the media file;

a *personal video recorder*; and

a server coupled to receive the location message from the sender client and for sending the location message to the *personal video recorder* that corresponds with the recipient address;

wherein the *personal video recorder* is coupled to receive the location message from the server and to access the media file from a peer receiver client.

Applicants respectfully assert that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, fail to teach or suggest a *personal video recorder* receiving a location message and accessing a media file from a peer receiver client, as specifically recited in amended Claim 16.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 16, Applicants respectfully submit that Claim 16 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

CLAIM 31

Regarding Claim 31, Examiner continues to assert that Claim 31 is “in substance the same subject matter discussed on” Claim 1 [Rejection, page 7, par. 5]. Applicants respectfully object to this generalization, pointing out that Claim 1 recites accessing the media file only from the *sender client*, while Claim 16 recites accessing the media file from the sender client *or a peer receiver client, depending on whether a connection to the sender client is found*. As such, Applicants respectfully submit that the same rationale of rejection cannot apply to both Claim 1 and Claim 31.

In addition, Applicants respectfully contend that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 31. For instance, amended Claim 31 recites (emphasis added):

A method comprising:

sending a location message from a sender client to a server, the location message comprising a recipient address, a handle for a media file, and a preview of the media file, *wherein the location message is sent without the video file;*

sending the location message from the server to a receiver client that corresponds with the recipient address;

checking, upon receipt of the location message at the receiver client, for a connection from the receiver client to the sender client on which to access the media file;

if none is found, checking for a connection to a peer receiver client on which to access the media file; and

accessing the media file from a source selected from the sender client and the peer receiver client.

Applicants respectfully assert that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, fail to teach or suggest a location message that includes a preview of the media file as specifically recited in amended Claim 31.

As stated above, Applicants have added new language to Claim 31 to make it clear that the location message may be an e-mail so long as the media file does not accompany it. Thus, with respect to Rudy, Applicants respectfully submit that by teaching an email *attachment*, which by definition accompanies the e-mail, Rudy *teaches away* from embodiments as recited in Claim 1. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Rudy with any reference to create the present invention as claimed.

With respect to Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a *web page* to which a *hyperlink in another web page* points, Kopetzky does not teach or suggest: (1) a preview to a media file (2) *contained within a location message* and (3) *sent by a sender client* and (4) *received by a receiver client*.

Furthermore, Applicants respectfully submit that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, fail to teach or suggest a receiver client configured to check for a connection from the sender client on

which to access the media file upon receiving the location message and, *alternatively, if none is found, checking for a connection to the peer receiver client on which to access the media file*, as recited in Claim 31. To the extent of that Soles may disclose pinging multiple hosts to determine their response speeds, Applicants respectfully submit that Soles does not teach or suggest *first* checking for a connection with *the sender of a location message referencing a media file* and, *if a connection is not present, checking for connection to a different peer client from which it may also access the media file*. As such, Applicants respectfully submit that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, fail to teach or suggest the above limitations.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 31, Applicants respectfully submit that Claim 31 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-17 and 19-43 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

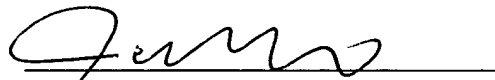
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: _____

8/1/06



James P. Hao
Registration No.: 36,398

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

Phone: (408) 938-9060
Facsimile: (408) 938-9069